

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**GABRIELLE VANMATRE,  
individually and on behalf of  
B.V., her minor child**

**Plaintiffs,**

**v.**

**GLAXOSMITHKLINE LLC,**

**Defendant.**

**Civil Action No.  
15-14102-FDS**

**ORDER TO SHOW CAUSE AND GRANTING MOTION TO WITHDRAW**

**SAYLOR, C.J.**

On May 26, 2016, this Court issued MDL Order No. 11, which required each plaintiff to complete a Plaintiff Fact Sheet with a signed declaration as well as authorizations and releases for health insurance and medical records. (Dkt. No. 252 ¶¶ 4, 14). It also required plaintiffs to produce documents relating to a variety of issues. (Dkt. No. 252 ¶ 3, Ex. 2). The Order provided that “questions on the fact sheets shall be treated as interrogatories under Rule 33 of the Federal Rules of Civil Procedure, and shall be subject to the rules applicable to such interrogatories.” (Dkt. No. 252 ¶ 17).

The complaint in this action was filed in the Circuit Court of the State of Alabama on October 29, 2015. On November 19, 2015, GSK removed the action to the United States District Court for the Northern District of Alabama. On December 10, 2015, the action was transferred to this Court. Accordingly, the Plaintiff Fact Sheet and authorizations were due on July 25, 2016. (See Dkt. No. 252 ¶ 11).

On November 29, 2016, December 9, 2016, January 10, 2017, May 9, 2017, and July 17, 2020, counsel for GlaxoSmithKline LLC (“GSK”) sent e-mails or letters notifying plaintiff’s counsel that plaintiff did not submit required authorizations necessary to permit collection of plaintiff’s records in accordance with MDL Order No. 11. (GSK Mem., Exs. 23-27).

On December 21, 2020, GSK’s counsel requested that plaintiff provided the missing documents by December 31, 2020, or it would seek dismissal or other appropriate relief from the Court. (GSK Mem., Ex. 28).

On February 8, 2021, GSK filed a motion for an order to show cause as to why the case should not be dismissed for failure to prosecute and/or failure to provide court-ordered discovery. (GSK Mot. at 1-2). On February 18, 2021, counsel for plaintiff filed a motion to withdraw as attorney due to his inability to secure plaintiff’s compliance with her discovery obligations should the Court enter an order to show cause. (Pl. Mem. at 1-2).

Plaintiff has yet to provide the required authorization necessary to permit collection of plaintiff’s records. It thus appears that she has failed to comply with MDL Order No. 11.

The motion to withdraw is GRANTED, effective May 10, 2021, or upon the filing of an appearance by new counsel or a written notice by plaintiff that she intends to proceed *pro se*. New counsel, or plaintiff proceeding *pro se*, are hereby ORDERED to show cause in writing within 45 days (that is, on or before May 10, 2021) why this case should not be dismissed for failure to comply with discovery obligations. If good cause is not shown by that date, this action will be dismissed pursuant to Rule 37(b)(2)(A)(v).

**So Ordered.**

Dated: March 24, 2021

/s/ F. Dennis Saylor IV  
F. Dennis Saylor IV  
Chief Judge, United States District Court